IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 24927 of 1999

Between:

K.V.Ramakrishna Rao, S/o K.V.Ranga Rao,
37 years, Class I Contractor, Main Road, Narasapur.

..... PETITIONER.

AND

1. The Chief Engineer(Civil) O/o. Dy.General Manager(Civil), Oil & Natural Gas Commission, K.G.Project, 46-7-35, Danvaipet, Rajahmundry.

2. Oil & Natural Gas Commission, K.G..Project Rep.by Dy.General Manager, (Civill), 46-7-35, Danvaipet, Rajahmundry.

....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ direction or order more particularly one in the nature of Writ of Mandamous declaring the action of respondents in insisting for a valid E.P.F.No.as one of the essential conditions for issuance of the tender documents for the works mentioned in tender notice No.Civil /102/ADVT/99-2000 dated 1-1-1999 and pass such other order.

For the Petitioner: MR.SUBRAHMANYAM KURELLA ,ADVOCATE.(not present)

For the Respondents.: MR.K.VENKATA RAO (not present)

The Court made the following :

ORDER:

None appears on either side.

Perused the record.

The first respondent issued Tender Notice No.Civil/102/Advt/99-2000 dated 01-11-1999 inviting sealed tenders for construction of office building and CORE house at Base Complex, Rajahmundry. One of the conditions of the tender notification envisages that tenderer/contractor's organization should be covered under E.P.F. Act and they should have a code number of their own and such persons are only eligible to be participated in the tender process. Questioning the said condition as arbitrary and illegal, the present writ petition has been filed.

It is now well settled that incorporating a condition, as an eligibility to be participated in the tender process cannot be the subjected to judicial review unless the said condition is tailor made to suit a particular individual.

As seen from the counter-affidavit, it is noticed that out of 17 tender schedules obtained by the contractors l1 of the them responded to the tender notice and filed their tenders by submitting E.P.F.Code number of their own. The said condition was incorporated to ensure that there may not be any violation of law by the contractors and they will comply all the statutory requirements like coverage under E.P.F.Act etc., to their employees. Since the contract work was already awarded and in the absence of any stay granted, no cause survives for adjudication.

The writ petition is accordingly dismissed. No costs.

25-06-2004

dvs/kmr

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief Engineer(Civil) O/o. Dy.General Manager(Civil), Oil & Natural Gas Commission, K.G.Project, 46-7-35, Danavaipet, Rajahmundry.

2. Dy.General Manager,(Civil), Oil & Natural Gas Commission, K.G.Project, 46-7-35, Danvaipet, Rajahmundry.

3 Two CDs.

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